

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: October 27, 2004
Re: **REZONING: 811 Mercury Street, R-2, Single-Family Residential District & B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional).**

I. PETITIONER

Gantt Properties, Inc., P.O. Box 622, Forest, VA 24551

Representatives: Mr. Joe Gantt, Gantt Properties, Inc., P.O. Box 622, Forest, VA 24551

II. LOCATION

The subject property is a tract of approximately .4 acre located at 811 Mercury Street.

Property Owner:

Gantt Properties, Inc., P.O. Box 622, Forest, VA 24551

III. PURPOSE

The purpose of the petition is to rezone approximately .4 acre located at 811 Mercury Street from R-2, Single-Family Residential District and B-3, Community Business District (Conditional) to allow the construction of a duplex.

IV. SUMMARY

- Petition agrees with the Zoning Ordinance in that a duplex is a permitted use in a B-3, Community Business District.
- The *Comprehensive Plan 2002 – 2020* recommends a Low Density Residential Use for the subject and adjacent properties.
- Established land use patterns in the area would support the proposed rezoning.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a “Low Density Residential Use” for the subject property. “These areas are dominated by single-family detached housing at densities of up to four dwelling units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes.” (pg 5.5)

The Future Land Use Map indicates that it is not intended to be parcel specific. The existing land uses in the area are a mixture of commercial offices, multi-family and single-family housing. Given the existing land uses in the area and the relative close proximity to other proposed “Medium Density Residential” uses the rezoning of the property could be justified. The Planning Commission on its own motion may wish to propose amendments to the Future Land Use map to better match the area.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Single-Family Residential District zoning was established in 1978 with the adoption of the current Zoning Ordinance. The B-3, Community Business District (Conditional) zoning was established

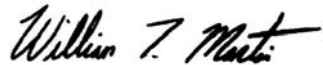
on December 16, 2003 upon approval of a rezoning petition by the Planning Commission and the City Council.

3. **Proffers.** The petitioner voluntarily submitted the following proffer with the rezoning application:
 - Only one (1) duplex on lot.
 4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
 5. **Previous Actions.** The following items in the immediate area have required City Council approval:
 - On December 16, 2003, the City Council approved the rezoning petition of Gantt Properties, Inc. to rezone approximately .2 acres at 813 Mercury Street (presently 811 Mercury Street) from R-2, Single-Family Residential District to B-3, Community Business District to allow the construction of a single-family home and the development of an adjacent commercial property.
 - On March 9, 1999, the City Council approved a Conditional Use Permit (CUP) for the construction of a veterinary hospital at 802-804 Wiggington Road.
 - On February 11, 1997, the City Council approved a rezoning at 811 Wiggington Road from B-3, Community Business District and I-3, Heavy Industrial District to B-3, Community Business District (Conditional) to allow the operation of a funeral home, crematorium and parking.
 6. **Site Description.** The subject property is bounded to the north (across Mercury Street) and west by residential uses and to the east and south by commercial uses.
 7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of a duplex on the property. Previously approved proffers indicated that only a single-family home would be constructed on the property.
 8. **Traffic and Parking.** The City's Traffic Engineer's only comment was that access to the property be provided from Mercury Street. The use of the property for a duplex should not generate a significant increase in traffic volumes.
 9. **Stormwater Management.** A stormwater management plan will not be required for the development of the property as proposed. An agreement in lieu of plan is required for the construction of single-family homes and duplexes. This agreement covers stormwater management and erosion and sediment control.
 10. **Impact.** The petition proposes to rezone the property from R-2, Single-Family Residential District and B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional) to allow the construction of a duplex. The construction of the duplex on the property is an acceptable use for the property and should serve as an adequate transition from the adjacent commercial properties.
 11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on October 5, 2004. Comments have or will be addressed by the petitioner prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDED MOTION(s)

Based on the preceding Findings of Fact, the Planning Commission recommends approval of the rezoning of .4 acre at 811 Mercury Street from R-2, Single-Family Residential District and B-3, Community Business District (Conditional) with the voluntarily submitted proffer.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Ms. Judith C. Wiegand, Senior Planner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. Joey Gantt, Petitioner

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)